

REMARKS

Rejections Under 35 U.S.C. § 103

The Examiner admits that U.S. patent number 6,128,279 (hereinafter *O'Neil*) “does not explicitly teach of a working status indicating that the at least one platform service is running, not running, or starting.” *Office Action*, 3, ¶ 7. The Examiner argues, however, that U.S. patent application number 2003/0212788 (hereinafter *Wilding*) “teaches of monitoring a working status of a service, wherein the working status indicates that the at least one platform service is running or not running” and therefore, it would have been obvious . . . to combine the teachings to monitor a working status indicating that a service is running or not running.” *Office Action*, 3, ¶ 8-9. The Applicants respectfully traverse.

As an initial matter, the Applicants note that the independent claims recite ‘the working status indicating that the at least one platform service is running, not running, or starting’ and ‘a load balancer stored in memory and executable by a processor to perform load balancing on received communications based on at least the working status of the at least one platform service.’ When read as a whole, therefore, the claims do not recite merely “monitoring a working status,” as posited by the Examiner. *Office Action*, 3, ¶ 8. Rather, the claims clearly require that ‘load balancing’ be ‘based on at least the working status’ of ‘running, not running, or starting.’

Wilding does not teach the claimed ‘load balancing on received communications based on at least the working status.’ Instead, *Wilding* merely teaches a “generic control interface” that can “assess the service’s operability, aliveness, and availability” “without requiring a detailed understanding of the specific operations necessary for controlling or monitoring the specific service.” *Wilding*, Abstract. *Wilding* notes that “[i]n the event that a fault monitor detects an abnormality in the service that it is monitoring, the fault

monitor takes corrective action.” *Wilding* [0027]. Such corrective action may include “start the service,” “send a notification to the system administrator to alert the administrator to the absence of the service,” or “wait a short period of time and then re-evaluate the service to determine if the service has returned to an available status, failing which it may notify the system administrator.” *Wilding* [0036]. None of the corrective actions in *Wilding* involve any load balancing.

Ascertaining the differences between the prior art and the claims at issue requires considering both the invention and the prior art references **as a whole**. MPEP § 2141.02. Each of the independent claims recites ‘load balancing on received communications based on at least the working status of the at least one platform service,’ wherein ‘working status’ refers to ‘running, not running, or starting.’ Neither *O’Neil* nor *Wilding* teaches the claimed ‘load balancing’ based on a ‘working status’ indication that the platform service is ‘running, not running, or starting.’

Because both *O’Neil* and *Wilding* fail to teach the claimed ‘load balancing on received communications based on at least the working status of the at least one platform service,’ *O’Neil* and *Wilding* therefore fails to teach each and every claim limitation of the independent claims. Any claim dependent upon the aforementioned independent claims —either directly or via an intermediate dependent claim—is allowable for at least the same reasons as the independent claim from which it depends. As such, each and every one of the dependent claims of the present application are also in condition for allowance.

CONCLUSION

The Applicants have evidenced the failure of *O'Neil* and *Wilding* – individually or in combination -- to disclose all the limitations of the independent claims, including at least ‘the working status indicating that the at least one platform service is running, not running, or starting’ and ‘a load balancer stored in memory and executable by a processor to perform load balancing on received communications based on at least the working status of the at least one platform service.’

Any claim dependent upon one of the aforementioned independent claims—either directly or via an intermediate dependent claim—is allowable for at least the same reasons as the claim from which it depends. As such, each and every one of the dependent claims of the present application are also in condition for allowance.

As all rejections have been overcome, the Applicant contends the present application is in condition for allowance. The Examiner is invited to contact the Applicant’s undersigned representative with any questions concerning the present amendment.

Respectfully submitted,
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